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**CLAIM AMENDMENTS:**

Please amend claim 21 as follows in a nonstatutory amendment, and add claims 22-25 so that a complete listing of the currently pending claims reads as follows:

1. (Original) A method of operating a plurality of disks having units of storage allocation, comprising:
  - providing a first tier of at least one disk, the first tier storing at least one popular unit;
  - providing a second tier of at least one disk, the second tier storing at least one unpopular unit;
  - powering on at least one first tier disk;
  - powering down the second tier;
  - determining whether a request for a unit requires processing on the first tier or second tier;
  - accessing the requested unit if the requested unit requires processing on the first tier; and
  - powering on a second tier disk to copy the requested unit from the second tier disk to a first tier disk, if the requested unit is stored on the second tier.

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2. (Currently Amended) The method of claim 1 wherein said step of powering on a second tier disk comprises further comprising:
- determining if at least one first tier disk has adequate space to process a requested unit;
  - copying the requested unit from the second tier disk to the first tier disk if at least one first tier disk has adequate space;
  - ~~creating the requested unit on the first tier;~~ and
  - generating adequate space on the first tier if at least one first tier disk does not have adequate space.
3. (Original) The method of claim 2 further comprising:
- determining if a first tier unit has become unpopular; and
  - transferring the unpopular first tier unit to a second tier disk.
4. (Original) The method of claim 3 further comprising:
- determining if the unpopular first tier unit has been modified; and
  - transferring only modified unpopular first tier units to the second tier.
5. (Currently Amended) The method of claim 1 wherein providing the first tier comprises assigning one or more a portion of the disks to the first tier.
6. (Original) The method of claim 1 wherein the first tier disks comprise high-performance hard drives.
7. (Original) The method of claim 1 wherein the second tier disks comprise low-power hard drives.

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8. (Original) The method of claim 1 wherein the unit comprises at least one member selected from a group consisting of: a file, a portion of a file, a file system block, a combination of files, and a suitable subdivision of information.

9. (Original) The method of claim 1 wherein the popular unit comprises a unit meeting or exceeding a condition limit, and the unpopular unit comprises a unit not meeting the condition limit.

10. (Original) The method of claim 8 wherein the condition limit is determined based on usage factors.

11. (Original) A computer usable medium including a program for operating a plurality of disks having units of storage allocation, comprising:

- computer readable program code for providing a first tier of at least one disk, the first tier storing at least one popular unit;
- computer readable program code for providing a second tier of at least one disk, the second tier storing at least one unpopular unit;
- computer readable program code for powering on at least one first tier disk;
- computer readable program code for powering down the second tier;
- computer readable program code for determining whether a request for a unit requires processing on the first tier or second tier;
- computer readable program code for accessing the requested unit if the requested unit requires processing on the first tier; and
- computer readable program code for powering on a second tier disk to copy the requested unit from the second tier disk to a first tier disk, if the requested unit is stored on the second tier.

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12. (Original) The computer readable program code of claim 11 further comprising:
- computer readable program code for determining if at least one first tier disk has adequate space to process a requested unit;
  - computer readable program code for copying the requested unit from the second tier disk to the first tier disk if at least one first tier disk has adequate space;
  - computer readable program code for creating the requested unit on the first tier; and
  - computer readable program code for generating adequate space on the first tier.
13. (Original) The computer readable program code of claim 12 further comprising:
- computer readable program code for determining if a first tier unit has become unpopular; and
  - computer readable program code for transferring the unpopular first tier unit to a second tier disk.
14. (Original) The computer readable program code of claim 13 further comprising:
- computer readable program code for determining if the unpopular first tier unit has been modified; and
  - computer readable program code for transferring only modified unpopular first tier units to the second tier.

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15. (Original) The computer readable program code of claim 11 wherein providing the first tier comprises assigning a portion of the disks to the first tier.

16. (Original) The computer readable program code of claim 11 wherein the first tier disks comprise high-performance hard drives.

17. (Original) The computer readable program code of claim 11 wherein the second tier disks comprise low-power hard drives.

18. (Original) The computer readable program code of claim 11 wherein the unit comprises at least one member selected from a group consisting of: a file, a portion of a file, a file system block, a combination of files, and a suitable subdivision of information.

19. (Original) The computer readable program code of claim 11 wherein the popular unit comprises a unit meeting or exceeding a condition limit, and the unpopular unit comprises a unit not meeting the condition limit.

20. (Original) The computer readable program code of claim 18 wherein the condition limit is determined based on usage factors.

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21. (Currently Amended) A system for operating a plurality of disks having units of storage allocation, comprising:

means for providing a first tier of at least one disk, the first tier storing at least one popular unit;

means for providing a second tier of at least one disk, the second tier storing at least one unpopular unit;

means for powering on at least one first tier disk;

means for powering down the second tier;

means for determining whether a request [[fir]] for a unit requires processing on the first tier or second tier;

means for accessing the requested unit if the requested unit requires processing on the first tier; and

means for powering on a second tier disk to copy the requested unit from the second tier disk to a first tier disk, if the requested unit is stored on the second tier.

22. (New) The method of claim 1 further comprising:

determining if at least one first tier disk has adequate space to process a requested unit;

generating adequate space on the first tier disk;

creating the requested unit on the first tier disk; and

copying the requested unit from the second tier disk to the first tier disk if at least one first tier disk has adequate space.

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23. (New) The computer readable program code of claim 11 further comprising:
- computer readable code for determining if at least one first tier disk has adequate space to process a requested unit;
  - computer readable code for generating adequate space on the first tier disk;
  - computer readable code for creating the requested unit on the first tier disk; and
  - computer readable code for copying the requested unit from the second tier disk to the first tier disk if at least one first tier disk has adequate space.

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24. (New) A method of operating a RAID system, the method comprising:  
providing a first tier of at least one disk, the first tier storing at least one popular unit;  
providing a second tier of at least one disk, the second tier storing at least one unpopular unit;  
powering on at least one first tier disk;  
powering down the second tier;  
determining whether a request for a unit requires processing on the first tier or second tier;  
accessing the requested unit if the requested unit requires processing on the first tier; and  
powering on a second tier disk to copy the requested unit from the second tier disk to a first tier disk, if the requested unit is stored on the second tier.

25. (New) A method of providing data storage on a multi-tiered disk system, the method comprising:  
providing a RAID system, the RAID system including a first tier of at least one disk, the first tier storing at least one popular unit, and a second tier of at least one disk, the second tier storing at least one unpopular unit;  
powering on at least one first tier disk;  
powering down the second tier;  
determining whether a request for a unit requires processing on the first tier or second tier;  
accessing the requested unit if the requested unit requires processing on the first tier; and  
powering on a second tier disk to copy the requested unit from the second tier disk to a first tier disk, if the requested unit is stored on the second tier.